



Kate Harrison
Councilmember District 4

CONSENT CALENDAR
July 28, 2020

To: Members of the City Council

From: Councilmember Harrison and Councilmember Bartlett

Subject: Adopt a Resolution Implementing Core Police Accountability Board and Director of Police Accountability functions by July 1, 2021

RECOMMENDATION

1. Adopt a Resolution, contingent upon voter approval of the Charter Amendment contained in Resolution No. 69,363-N.S., implementing the following core Police Accountability Board and Director of Police Accountability functions and policy changes by July 1, 2021:
 - a. Establish and convene the Police Accountability Board with all investigatory, policy and other authorities, and;
 - b. To assist in an orderly transition between the Police Review Commission and the Police Accountability Board established by this Article, Police Review Commission staff shall serve as interim Police Accountability Board staff until the City hires a Director of Police Accountability.

BACKGROUND

On April 14, 2020 the Council unanimously adopted Resolution 69,363-N.S. submitting Police Accountability Board and Director of Police Accountability Charter Amendment initiative to the November 2020 ballot.

The purpose of the Police Accountability Board is to promote public trust through independent, objective, civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and to provide a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department. The purpose of the Director of Police Accountability is to investigate complaints filed against sworn employees of the Berkeley Police Department, to reach an independent finding as to the facts and recommend corrective action where

Adopt a Resolution Implementing Core Police Accountability Board and Director of Police Accountability functions by July 1, 2021

warranted. The Director of Police Accountability may also serve as the Secretary to the Police Accountability Board to assist the Board is carrying out their duties.

Section 27 of the Charter Amendment states that the “Police Review Commission established by Ordinance No. 4,644-N.S., as amended, shall continue in existence until its functions are transferred to the Police Accountability Board, but no later than January 3, 2022.”

It is in the public interest to establish the new Board and Director Office as soon as possible to facilitate modern police accountability functions, especially in light of ongoing efforts to transform public safety. While the final appointment of the Director of Police Accountability may take time, the City is positioned, as specified in Section 27, to establish the new functions and policy changes of the Police Accountability Board and appoint an interim Director no later than July 1, 2021.

This resolution would implement the outcomes outlined in the Charter Amendment no later than July 1, 2021, while understanding that the permanent Director may be appointed later.

FINANCIAL IMPLICATIONS

Staff time.

ENVIRONMENTAL SUSTAINABILITY

No environmental impact.

CONTACT

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ATTACHMENTS:

1. Resolution

RESOLUTION NO. ##,#### N.S.

ADOPT A RESOLUTION IMPLEMENTING CORE POLICE ACCOUNTABILITY BOARD
AND DIRECTOR OF POLICE ACCOUNTABILITY FUNCTIONS BY JULY 1, 2021

WHEREAS, on April 14, 2020 the Council unanimously adopted Resolution 69,363-N.S. submitting Police Accountability Board and Director of Police Accountability Charter Amendment initiative to the November 2020 ballot; and

WHEREAS, the purpose of the Police Accountability Board is to promote public trust through independent, objective, civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and to provide a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department; and

WHEREAS, the purpose of the Director of Police Accountability is to investigate complaints filed against sworn employees of the Berkeley Police Department, to reach an independent finding as to the facts and recommend corrective action where warranted, and the Director of Police Accountability may also serve as the Secretary to the Police Accountability Board to assist the Board in carrying out their duties; and

WHEREAS, Section 27 of the Charter Amendment states that the Police Review Commission established by Ordinance No. 4,644-N.S., as amended, shall continue in existence until its functions are transferred to the Police Accountability Board, but no later than January 3, 2022; and

WHEREAS, it is in the public interest to establish the Police Accountability Board and Director of Police Accountability as soon as possible to facilitate modern police accountability functions, especially in light of ongoing efforts to transform public safety; and

WHEREAS, the City is positioned to establish the functions and policy changes of the Police Accountability Board and appoint an interim Director no later than July 1, 2021.

NOW THEREFORE BE IT RESOLVED that the City Council, contingent upon voter approval of the Charter Amendment contained in Resolution No. 69,363-N.S., establishes the following core Police Accountability Board and Director of Police Accountability functions and policy changes for implementation by July 1, 2021:

- a. Establish and convene the Police Accountability Board with all investigatory, policy and other authorities, and;
- b. To assist in an orderly transition between the Police Review Commission and the Police Accountability Board established by this Article, Police Review Commission staff shall serve as interim Police Accountability Board staff until the City hires a Director of Police Accountability.